IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No.5379 of 2006
Date of Decision: 8.12.2006

Oriental Insurance Company Limited.

..... Appellant

Versus

Ramesh and others.

..... Respondents

CORAM: Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri Jatin Talwar, Advocate for the appellant.

....

Uma Nath Singh,J.

This F.A.O. arises out of an award dated 14.9.2006 passed by the Presiding Officer, Motor Accident Claims Tribunal, Yamuna Nagar in M.A.C.T. Case No.162 of 2005 awarding a sum of Rs.91,500/- with 7.5% interest per annum from the date of filing of the petition till realisation of the amount in the death case of an old lady said to be aged 70 years.

Learned counsel for the appellant-Insurance Company submitted that there has been an inordinate delay in the lodgment of the claim petition as it was filed after about six years. Secondly, he submitted that looking at the age group of the deceased, so also of the dependents, the compensation of Rs.91,500/- appears to be on higher side.

We have carefully considered both the submissions and perused the award. We do not find any merit in the aforementioned contentions of the learned counsel. There may be delay in the lodgment of the claim, but there is no statutory bar to file it with delay. Secondly, the F.I.R. of the

accident was immediately recorded on the same day being F.I.R.No.143 of 20.12.1999. The driver of the offending vehicle is facing prosecution in that F.I.R. Thus, the factum of the accident cannot be denied.

As regards the amount of compensation, the Tribunal has taken a reasonable view while assessing the income of the deceased at Rs.2100/- per month and having deducted 1/3rd thereof towards her personal expenses, has determined the dependency at Rs.1400/- per month. Further, as per Schedule-II under Section 163-A of the Motor Vehicles Act,1988, for the age group above 65 years, the multiplier of `5' is to be applied. Here, the approximate age of the deceased has been found to be 70 years. Thus, the multiplier of `5' has been rightly applied. She is survived by her husband, aged 75 years and two sons, said to be 22 and 23 years old. The deceased came from a rural back ground of Haryana and, therefore, her contribution in terms of the dependency to her family cannot be denied. This is more-so looking to the physical fitness and the living conditions of the rural natives of Haryana. That apart, the husband has been left lonely at the fag end of his life and this tragedy would have left him with a scar of traumatic experience which cannot be repaired in terms of money. Under these circumstances, we are not persuaded to hold that the compensation amount awarded by the Tribunal is on higher side. Hence, the second submission is also rejected.

In the premises discussed here-in-above, we do not find any merit in the F.A.O. and as such, it is dismissed in limine.

(Uma Nath Singh)
Judge

December 08,2006 (Mahesh Grover)
"SCM" Judge